

MAY 27 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EFREN LOPEZ GAMBOA,

Petitioner - Appellant,

v.

MAGGIE MILLER-STOUT,

Respondent - Appellee.

No. 07-35050

D.C. No. CV-06-01143-TSZ

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted May 20, 2008^{**}

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Washington state prisoner Efren Lopez Gamboa appeals pro se from the district court's order dismissing his 28 U.S.C. § 2254 petition as second or successive. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

As an initial matter, we reject Lopez Gamboa's contention that 28 U.S.C. § 2244(b) does not apply to petitions challenging state prison administrative decisions. *See* 28 U.S.C. § 2244(b). Furthermore, we conclude that the district court properly dismissed Lopez Gamboa's federal habeas petition as second or successive without authorization. *See id.*; *Babbitt v. Woodford*, 177 F. 3d 744, 745-47 (9th Cir. 1999).

AFFIRMED.